



Congress of the United States
House of Representatives
Washington, D.C. 20515

**COMMITTEE ON
NATURAL RESOURCES**
CHAIRMAN EMERITUS
**COMMITTEE ON
TRANSPORTATION & INFRASTRUCTURE**
**REPUBLICAN
POLICY COMMITTEE**
**CANADA-U.S.
INTER-PARLIAMENTARY GROUP**

May 13, 2021

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
Washington, DC 20528

Dear Mr. Secretary:

I write to you on a matter of extreme urgency for the state of Alaska on behalf of the many businesses and more than 23,000 workers in Alaska that rely on cruise visitors for their livelihoods. Public Health conditions across the United States are improving and the country is reopening, but Alaska will lose a second consecutive summer cruise season without immediate collaboration and cooperation between the Department of Homeland Security (DHS) and Transport Canada (TC) to find a mutually acceptable solution that satisfies the requirements of the Passenger Vessel Services Act (PVSA).

Every day that passes without resolution means that the relatively short Alaskan summer cruise season, which ends in early fall, is in jeopardy of cancellation. Alaska, unlike other states in the lower 48 where cruising can take place year-round, cannot afford to wait any longer for a solution to the PVSA question. The importance of the cruise industry to Alaska is well documented as more than 60% of visitors to Alaska every year arrive by cruise ship. The loss of two consecutive Alaskan cruise seasons equates to a potential economic loss of nearly \$3.4 billion for our state, according to a recent report from Governor Dunleavy's office.

It is very possible in the coming days that the industry and the Administration will come to an agreement on the conditions surrounding the Centers for Disease Control and Prevention's (CDC) Framework for Conditional Sailing Order (CSO) to provide for the resumption of cruising in July. However, to save the Alaska season, once permitted under CDC's CSO, DHS and TC must quickly solve the issues raised by the Government of Canada's Interim Order No. 5, which prohibits passenger vessels with more than 100 guests from entering their waters. This prohibition requires the acceptance of an exception to the foreign port stop requirement under the PVSA.

In times of national emergency, such as the COVID-19 pandemic, there is precedent for the Secretary of Homeland Security to grant exceptions to the PVSA. For example, during the swine flu in 2009, United States Customs and Border Protection (CBP) informally agreed that cruise ships did not need to make a port call in Mexico if they believed it was unsafe. Similar exemptions have been made on the account of weather.

Moreover, I understand that there remains no formal rule, policy, or criteria on what qualifies as a foreign port call for the purposes of PVSA compliance. This provides flexibility in


determining what conditions may be used for Alaska cruises to satisfy PVSA requirements in this extreme circumstance. I believe there is a strong case to be made that a "technical stop", which is generally understood to mean a call at a foreign port whereby a vessel clears customs formalities and may take on fuel and stores, but does not disembark passengers, meets the requirements of the PVSA.

As a result, I request that DHS communicate to TC that a "technical stop" would provide PVSA compliance. This confirmation could jumpstart negotiations between the United States Government, the Government of Canada, and industry stakeholders to find a mutually agreeable solution to overcome the restrictions in Canada's Interim Order No. 5.

I implore the Administration and DHS to work creatively with our Canadian partners on this effort and to not preliminarily take any options off the table. I understand that TC has convened a working group with the United States Department of Transportation and the CDC, and as such, I request that DHS designate the requisite personnel to join that working group to pursue the coordination requested herein.

I greatly appreciate your attention to this important matter. The thousands of Alaskans who rely on the summer cruise season are depending on your help to solve this problem as quickly and safely as possible so that cruises may return to their communities in the very near future.

Sincerely,



DON YOUNG
Congressman for All Alaska